

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ROBERTO CASADO-BERRIOS

Plaintiff

v.

CIVIL NO. 06-2144 (GAG)

MIGUEL A. PEREIRA-CASTILLO, et. al.

Defendants

MEMORANDUM OPINION AND ORDER

Plaintiff alleges that personnel of the Commonwealth Corrections Administration subjected him to a haircut in violation of the Eighth Amendment. Specifically, the penal staff, under intimidating threats, proceeded to give military-type haircuts to all inmates at the Ponce Correctional Complex. The same electric razor was used on all inmates without a clip. Furthermore, the officer who cut the inmates' hair had no training as a barber. Consequently, plaintiff was cut in the scalp. Because several inmates have Hepatitis or are HIV positive, plaintiff requested, to no avail, that his hair be cut with another electric razor, or that the one used be sterilized. Plaintiff claims to have sustained mental anguish as a result, and states that he was always well-groomed.

The alleged actions by the Corrections officers, taken as true, may certainly demonstrate a lack of sanitation and hygiene. Nonetheless, these do not amount to a civil rights violation under Section 1983. Plaintiff does not claim to have been infected with the HIV virus, nor afflicted with Hepatitis as a result of defendant's actions. Other than the mere unpleasantness of the incident itself, he does not allege any other specific injury.

Accordingly, the Court hereby **DISMISSES** plaintiff's civil rights action without prejudice.

SO ORDERED.

In San Juan, Puerto Rico this 5th day of February, 2007.

/s/ Gustavo A. Gelpi

GUSTAVO A. GELPI
United States District Judge